

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

233

CRM-M-37297 of 2020

Date of Decision: 18.11.2020

Vishal @ Shaiky

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.S.S.Siao, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No. 372 dated 01.07.2020 under Section 379-B/34 IPC, 1860, registered at Police Station City Karnal.

Learned counsel for the petitioner submits that the petitioner is in custody since 08.09.2020. He refers to the affidavits (Annexures P-3 to P-5) of the complainant and other aggrieved persons in favour of the petitioner to contend that the petitioner is not that person who attacked them. He further submits that the case of the petitioner is similar to other co-accused namely Prabhat @ Ankush and Vijay, who have been admitted on regular bail by this Court vide order dated 02.11.2020 passed in **CRM-M No.34075 of 2020 (Prabhat @ Ankush and another s. State of Haryana).**

Learned State counsel does not dispute the custody period of the petitioner and the fact that the role attributed to the petitioner is similar to co-accused Prabhat @ Ankush and Vijay.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 08.09.2020.

The complainant and other aggrieved persons have submitted their affidavits (Annexures P-3 to P-5) in favour of the petitioner disclosing therein that the petitioner is not that person who attacked them and the case of the petitioner is similar to that of co-accused Prabhat @ Ankush and Vijay. This Court finds that culpability of the petitioner is yet to establish during the course of trial. Moreover, trial is not likely to be concluded in the near future due to prevailing situation of Covid-19 pandemic. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

November 18, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No